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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,585	02/19/2002	Thomas Knodler	3105.002USU	6312

7590 11/16/2004

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2653

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/890,585	<b>Applicant(s)</b> KNODLER ET AL.	
	<b>Examiner</b> Aristotelis M Psitos	<b>Art Unit</b> 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2653

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/24/04 has been entered.

#### Specification

The amendment to the title of the invention is greatly appreciated and has been entered.

#### ***Drawings***

The examiner accepts the newly introduced drawing.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

Art Unit: 2653

each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain further considered with Katz et al.

Jain discloses in this environment a base layer having an appropriate image recorded thereon. As noted in the abstract a second layer is laminated thereon, this second layer providing for the appropriate function, and being as noted, alphanumeric/bar code(s). Although Jain acknowledged prior art holographic images, the document does not specify that the base image is indeed such.

As taught by Katz et al, the ability of having holographic images on the surface of such cards is well known – see abstract and col. 1 lines 44 to col. 2 line 2.

It would have been obvious to modify the base system of Jain with the above teaching from Katz, or alternatively Katz et al in view of Jain, motivation is as discussed in Katz to increase the security of the overall product. The combined system will provide for a record carrier having improved security by the appropriate application of a copy protection film having the appropriate polarization –rotating ability.

The limitation of claim 2 is considered met by the above combination of references, i.e., a “safety seal”.

### ***Response to Arguments***

Applicant's arguments filed 9/24/04 have been fully considered but they are not persuasive. The examiner maintains the grounds of rejections. The examiner has reviewed the combination of references and applicants' arguments, nevertheless, in keeping with **Ruiz v. A.B. Chance Co. 69 USPQ 1686**, the examiner concludes that the rejection is proper for the reasons stated therein.

2. Claims 3, 4, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated above and further in view of Toye et al.

With respect to claims 3, 4, and 5 although the base reference discloses lamination, there is no specific mention of an adhesive, or the transparent perforations. Toye et al discloses the ability of using

Art Unit: 2653

adhesives in this environment for their inherent use/ability as well as having a plurality of transparent perforations wherein such perforations are responsive to particular light transmissivities (colored gelatin for example) and may or may not be related to color – see col. 4 lines 32-45 for instance.

The examiner interprets such as meeting/teaching the limitations of these claims.

It would have been obvious to modify the base system as stated above with respect to claims 1 and 2 with the above teachings from Toye et al, motivation is as discussed in Toye et al, to increase the security of the document.

With respect to claim 9, as interpreted by the examiner Toye et al permits his material to provide appropriate material for various colors, hence meeting this claims limitations. Since no specific/detail disclosure is found to define these ratios the examiner concludes that such is met by the Toye et al document.

#### ***Response to Arguments***

Applicant's arguments filed 9/24/04 have been fully considered but they are not persuasive. The examiner maintains the previous position. These claims fall with the parent claim.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 2 as stated above, and further in view of Stenzel.

The ability of having a luminous layer is taught by the fluorescent layer 3 in the Stenzel document.

It would have been obvious to modify the base system as stated above with the additional teaching from Stenzel, again motivation is to increase the security of the document.

#### ***Response to Arguments***

Applicant's arguments filed 9/24/04 have been fully considered but they are not persuasive. The examiner maintains the previous position. These claims fall with the parent claim.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 6 above, and further in view of Samyn.

Art Unit: 2653

With respect to the particular range as specified by claim 7, such is taught by the Samyn document – see the discussion at col. 2 starting at line 1.

It would have been obvious to modify the base system as relied upon with respect to claim 6 with the additional teaching from Samyn; motivation is to increase the security of the end product.

***Response to Arguments***

Applicant's arguments filed 9/24/04 have been fully considered but they are not persuasive. The examiner maintains the previous position. These claims fall with the parent claim.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 6 above, and further in view of Fujita et al.

Fujita et al – teaches the ability “shielding” layers in this environment – see especially the overall description with respect to figure 2. Since Toye et al provides for “holes”, the examiner interprets the claimed phrase “point light mask” as being a shielding layer (mask) with holes therein. Hence, the examiner concludes that because shields/masks in this environment are known for their ability to increase the security of the end product, the ability of having a “point light mask” (thing of a holy layer) as met by the above combination of references and obvious to one of ordinary skill in the art. Alternatively, familiar with such “point light mask” is well known from that familiar childhood game, “peek –a- boo”, using one's hands as the mask, and spreading ones' fingers accordingly. In an event, the examiner concludes that such is obvious to one of ordinary skill in the art.

With respect to the placement of this mask, Fujita et al does disclose the placing of his shield at various layers/positions with respect to the information layer. Placing such a mask in the particular location is mere considered an obvious variant predicated upon manufacturing costs, etc.

***Response to Arguments***

Applicant's arguments filed 9/24/04 have been fully considered but they are not persuasive. The examiner maintains the previous position. These claims fall with the parent claim.

Art Unit: 2653

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated above, and further in view of Curiel.

With respect to claim 10, the ability of providing a molded (injected) as the information structure yielding the appropriate diffraction is taught by the above noted Curiel document, see col. 2 lines 53 plus.

It would have been obvious to modify the base system with the above injection molding technique, motivation is to provide an appropriate manufactured article using existing techniques and hence saving valuable resources in not having to redesign manufacturing equipment to create the article/hologram.

### ***Response to Arguments***

Applicant's arguments filed 9/24/04 have been fully considered but they are not persuasive. The examiner maintains the previous position. These claims fall with the parent claim.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heckenham et al – various data carriers with appropriate lamina; Kaish et al – discussion with respect to various security cards and manufacturing techniques thereof.

In addition,

Ruell, discloses an optical record, (such as a credit card) wherein in order to authenticate the information, additional information is encoded thereon. The key information (for authentication) can be incorporated in a hologram – see col. 1 line 48 to col. 2 line 30. Hence the examiner concludes that the limitations of claim 1 are present and met.

Babbitt discloses an optical record wherein an "encoded" hologram strip is present in order to ensure proper identification. This strip is disclosed as being a "key" and necessary in order for the information to be properly decoded.

Behnke discloses an identification card, wherein additional Key information is encrypted by use of a hologram, see col. 2 lines 62-64.

Art Unit: 2653

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos  
Primary Examiner  
Art Unit 2653

A handwritten signature in black ink, consisting of a stylized 'A' followed by a large, sweeping loop that extends downwards and to the right.

AMP